

Aim:

To provide the candidate with a knowledge of and an understanding of the practical application of the different types of Intellectual Property Rights:

- trade marks
- copyright
- designs
- patents

The depth of knowledge required for each form of right is specified below and varies between the criminal and civil aspects of each form of right. The prescribed knowledge levels range from a basic knowledge, a working knowledge to a detailed knowledge where appropriate.

Learning Outcomes:

The competence for this module is the demonstration of knowledge and understanding of

1. The different types of Intellectual Property Rights.
2. Criminal legislative mechanisms available to Trading Standards Services as a means of enforcing Intellectual Property Rights.
3. The range of civil law mechanisms available to rights owners as a means of enforcing their own Intellectual Property Rights.
4. The difference between the criminal and civil aspects of Intellectual Property law.
5. The ability to critically appraise the effectiveness of relevant legislation.
6. The procedures and provisions that the industry has to protect owners of Intellectual Property.
7. The global framework of IP Rights.
8. The European framework of IP Rights.
9. The UK framework of IP Rights.

Indicative areas of knowledge

- Trade Marks;
- Copyright;
- Registered Designs;
- The range of Criminal Offences under the relevant legislation;
- The range, extent and limitations of enforcement powers under relevant legislation;
- The statutory defences and the due diligence defence;
- Forfeiture provisions;
- Relevant case law;
- Passing off, civil remedies, orders and injunctions, and the equivalent aspects of the Scots Law diligence;
- Copyright Rights in Performances;
- Design Rights;
- Patents;
- Confidentiality;
- Government policy, guidance, reports, practice and papers relevant to this subject.

The following terms have been used to indicate the level of knowledge required in each element;

Detailed: To an in-depth level, and with a fine degree of distinction between concepts

Working: With the ability to apply the learning to situations so as to resolve problems

Basic: Having an awareness of the organisations and concepts

Assessments will reflect the requisite level of knowledge in each given area of the syllabus.

SYLLABUS	EVIDENCE REFERENCE	ASSESSOR COMMENT/AGREEMENT	MODERATOR COMMENT/AGREEMENT
Legislation - Detailed Knowledge			
Criminal legislative mechanisms, including evidential requirements, available to Trading Standards Services as a means of enforcing Intellectual Property rights contained in:			
• The Copyright, Designs and Patents Act 1988			
• The Trade Marks Act 1994			
• The Registered Designs Act 1949			
• The Statutory Defences provided by trade mark, copyright and registered designs legislation			
• The power sections contained in the Consumer Rights Act 2015, Schedules 5, 6 & 7			
• The Consumer Protection from Unfair Trading Regulations 2008 as they relate to Intellectual Property			
• Business Protection from Misleading Marketing Regulations 2008 as they related to Intellectual Property			
Legislation - Working Knowledge			
• Patents Act 1977			
• Intellectual Property Act 2014			
Working Knowledge of the following legislation or common law rules as they apply to the investigation of IP Crime			
• Computer Misuse Act 1990			
• Enterprise Act 2002 Part 8 & 9 (Permitted Disclosure)			
• Olympic Symbol etc (Protection) Act 1995			
• Regulatory Enforcement and Sanctions Act 2008			
• Video Recordings Act 2010			
• Digital Economy Act 2010			

England and Wales only			
• Criminal Law Act 1977 (conspiracy) and the common law offence of conspiracy to defraud			
• Fraud Act 2006			
• Forgery and Counterfeiting Act 1981 (False Instruments)			
• Magistrates Courts Act 1980			
• Accessories and Abettors Act 1861 (Aiding and Abetting)			
• Proceeds of Crime Act 2002			
• Serious Organised Crime And Police Act 2005 (Creation of SOCA)			
• Serious Organised Crime Act 2007 (encouraging or assisting an offence) England, Wales and Northern Ireland only			
• Serious Organised Crime and Police Act 2005 (power or arrest)			
• The Crime and Courts Act 2013			
Scotland only			
• Proceeds of Crime (Scotland) Act 1995			
• Proceeds of Crime Act 2002 as it applies in Scotland			
• Common law crime of fraud			
• Common law crime of uttering			
• Common law rules relating to conspiracy and aiding and abetting			
Northern Ireland only			
• Proceeds of Crime Act 2002 (Part 4 only)			
• Serious Organised Crime Act 2007 (encouraging or assisting an offence) England, Wales and Northern Ireland only			
Working Knowledge			
• The range of civil law mechanisms available to rights owners as a means of enforcing their own Intellectual Property Rights			
• Passing Off			
• Trade Marks Act 1994 - civil infringement and defences to infringement - Section 10 to 12 etc			
• Copyright, Designs & Patents Act 1988 - Sections 1-50(D) Permitted acts, ss 70, 96-103, 166, 145, 153-156			
• The Registered Designs Act 1949 - civil infringement and defences to infringement - Section 7 & 7A etc			
• Confidentiality			

Basic Knowledge			
• The Trade Marks Act 1994 - civil provisions - remaining provisions not covered above			
• The Copyright, Designs & Patents Act 1988 - remaining provisions not covered above			
• Design Rights - CDPA Sections 213-264			
• Registered Designs -CDPA Sections 265-273			
• Registered Designs Act 1949			
• Patent Agents and Trade Mark Agents - CDPA Sections 274-286			
• Patents - CDPA Sections 287-295			
• Patents Act 1977			
Basic Knowledge of the Customs Regulations relating to the UK			
• Regulation EU Number 608/2013			
• Trade Marks (Customs Regulations) 1994			
• Copyright (Customs) Regulations 1989			
The framework and environment - Working Knowledge			
The role of the following relevant organisations in the IP framework:			
• The Intellectual Property Office (IPO) - including the IP Crime Group, the IP Crime Strategy, the IP Crime Report and the IP Intelligence Hub			
• The Copyright Tribunal			
• The IP Enterprise Court (IPEC) [formerly the Patents County Court]			
• The Copyright Hub			
• Local Authority Bodies - Trading Standards Services, LGR (Local Government Regulation), BRDO (Better Regulation Delivery Office), National Trading Standards Board (NTSB) and TSI (the Trading Standards Institute)			
• HMRC (HM Revenue and Customs)			
• UKBF (UK Border Force)			
• MHRA (Medicines and Health Care Regulatory Agency)			
• Police, ACPO and National Crime Agency (NCA)			
• Trade Marks Agents			
• Patents Attorneys			
• The Alliance for IP			
• ACID (Anti Copying in Design)			

• ACG (Anti-Counterfeiting Group)			
• Association of Authors' Agents			
• Association of Learned and Professional Society Publishers			
• ALCS			
• British Brands Group			
• BPI (British Recorded Music Industry)			
• BSA - The Software Alliance			
• BVA (British Video Association)			
• Cinema Exhibitors Association Ltd			
• CLA (Copyright Licensing Agency)			
• DACS			
• ERA			
• FACT			
• FAST			
• Film Distributors Association			
• MPA (Motion Picture Association)			
• Premier League			
• Publishers Association			
• PRS for Music (inc Mechanical Copyright Protection Society)			
• UKIE (UK Interactive Entertainment Association)			
• UK Music			
• Other relevant rights owner and industry bodies			
Global and European Environment Basic Knowledge of the relevant Global and European bodies engaged in IP protection			
• G8			
• WIPO (World IP Organisation)			
• WTO (World Trade Organisation)			
• WCO (World Customs Organisation)			
• Interpol			
• The European Commission			
• OHIM (The Office for Harmonisation in the Internal Market)			
• European Patent Office			
• The EU Observatory			
• DG TAXUD (EC Taxation & Customs Union)			
• Europol			

Basic knowledge of the relevant conventions and agreements influencing Intellectual Property protection in the UK			
• The Berne Convention [Copyright]			
• The Madrid Protocol and Agreements [Trade Marks]			
• The EPC (European Patent Convention)			
• The Hague Agreement [Design Rights]			
• The Paris Convention on Intellectual Property Rights			
• The Patent Cooperation Treaty (PCT)			
• The European Patent Convention			
• The co-operation mechanisms between these bodies within the Intellectual Property area, in particular			
• The TRIPS Agreement (Trade Related aspects of IP Rights Agreement)			
Registration Processes - Working Knowledge			
• The UK trade mark registration process			
• The trade mark register, including UK and Community Trade Marks			
Registration Processes - Basic Knowledge			
• The European and International trade mark registration processes			
• UK and EC Design Registration processes			
• UK Patent Registration process			

Evidence Reference: Give all your evidence a reference number and allocate the correct reference, which demonstrate the particular aspect of the syllabus. Please use the following for the reflective statement.

RS = Reflective Statement